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March 28, 2025

***Via ECF***

Clifton Cislak, Clerk of the Court  
United States Court of Appeals  
for the District of Columbia Circuit  
333 Constitution Avenue, N.W.  
Room 5205  
Washington, D.C. 20001

Re: *August Cabrera, et al v. Islamic Republic of Iran.*, No. 23-07076

Dear Mr. Cislak:

Pursuant to Federal Rule of Appellate Procedure 28(j), Plaintiff-Appellant K.E.F.V. respectfully provides notice of a recent development regarding the U.S. Victims of State Sponsored Terrorism Fund.

The U.S. Victims of State Sponsored Terrorism Fund is the primary means by which victims of state-sponsored terrorism, like K.E.F.V., recover for judgments they receive under the FSIA's terrorism exception. Established by Congress, *see generally* 34 USC § 20144, the Fund provides *pro rata* payments to qualifying individuals with unsatisfied judgments against state sponsors of terrorism like Iran. Because disbursements are only made when there are sufficient funds, the Fund does not issue payments every year.

On March 25, 2025, the Fund announced that it will be making payments to eligible claimants in 2026.<sup>1</sup> To be eligible, new claimants must submit their applications by June 1, 2025. Claimants who apply after the deadline will not be eligible to receive payments until at least 2027 and likely will never recover the missed payment from the 2026 cycle. Thus, only

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<sup>1</sup> See *Special Master Announces that at Least \$2 Billion Will Be Available for the Sixth Distribution of Victim Payments from the USVSST Fund*, U.S. Department of Justice U.S. Victims of State Sponsored Terrorism Fund (Mar. 25, 2025), available at <https://www.usvsst.com/Home/Announcements?id=20250325>.

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Plaintiffs who receive judgments sufficiently in advance of June 1, 2025 to initiate service on Iran and apply to the Fund will be eligible to participate in this newly announced distribution.

If K.E.F.V. were determined to have a cognizable claim as an after-born plaintiff under the FSIA's terrorism exception, the district court has held that it would award similarly situated in-utero Plaintiffs \$2.5 million in compensatory damages. *See Cabrera v. Islamic Republic of Iran*, Case No. 1:19-cv-03835-JDB (D.D.C.), Dkt. 264 at 21. In that scenario, counsel would endeavor to submit the judgments of all in-utero Plaintiffs to the Fund as soon as possible.

Respectfully submitted,

/s/ Grace W. Knofczynski

Grace W. Knofczynski

cc: Counsel of Record (via ECF)



U.S. Department of Justice  
U.S. Victims of State Sponsored Terrorism Fund  
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**Special Master Announces that at Least \$2 Billion Will Be  
Available for the Sixth Distribution of Victim Payments from the  
USVSST Fund**

**March 25, 2025**

Special Master Mary Patrice Brown is pleased to announce that the Fund and Special Master have taken the necessary steps to terminate the Beirut barracks / Khobar Towers reserve fund. The Special Master will thus authorize sixth-round payments for all eligible claims by January 1, 2026.

The USVSST Fund anticipates that the amount available for the sixth distribution will be at least \$2 billion. The USVSST Fund continues to collect [qualifying deposits](#). The final amount available for the sixth distribution will be posted after the end of fiscal year 2025.

**The application deadline for *new* claimants to be considered for sixth-round payments is June 1, 2025.** Claimants who were eligible for payments in prior rounds remain eligible for the sixth distribution and need not complete new applications.

To be considered for eligibility for payments in the sixth distribution, prospective new claimants must timely submit a complete USVSST Fund application package, including a copy of the claimant's final judgment. Complete application packages must be postmarked (if by U.S. mail) or received (if submitted online or by facsimile or email) by June 1, 2025. Any claim-related document(s) uploaded to the USVSST Fund's Secure File Transfer Protocol (SFTP) site are not considered "received" by the USVSST



## U.S. Department of Justice U.S. Victims of State Sponsored Terrorism Fund *Site Administered by Epiq*

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In general, the USVSST Fund's governing statute requires claimants to file a claim no later than 90 days after the date of obtaining a final judgment. The June 1, 2025 application filing deadline for the sixth distribution is separate from the 90-day statutory filing deadline. For more information, see [FAQ 1.9](#).



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